

Please Direct All Correspondence to Customer Number 20995

### TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Applicant : Vladimir Poponin  
App. No : 10/774,062  
Filed : February 6, 2004  
For : APPARATUS AND METHOD FOR  
THE ANALYSIS OF NUCLEIC ACIDS  
HYBRIDIZATION ON HIGH  
DENSITY NA CHIPS  
Examiner : Young J. Kim  
Art Unit : 1637

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 7, 2006

(Date)

Andrew N. Merickel, Reg. No. 53,317

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

#### *Disclaimer by Assignee*

Assignee, Virtual Pro, Inc. ("Assignee"), hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,376,177, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the above-identified application and U.S. Patent No. 6,376,177 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,376,177, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

**Please Direct All Correspondence to Customer Number 20995**

***Right of Assignee and Ownership***

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-identified application and co-owned, Patent No. 6,376,177, all by virtue of an assignment recorded at Reel No. 010308, Frame No. 0150 by the Assignment Branch of the Patent and Trademark Office, a copy of which is attached. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

***Empowerment of Attorney***

Pursuant to 37 C.F.R. 1.321(a) the undersigned attorney of record is empowered to act on behalf of the Assignee, by virtue of a Power of Attorney, a copy of which is attached hereto.

This Terminal Disclaimer is accompanied by the \$65 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR LLP

Date: July 7, 2006

  
Andrew N. Merickel  
Registration No. 53,317  
Attorney of Record  
Customer No. 20,995  
(415) 954-4114

2592026  
051006

JANUARY 11, 2006



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

PTAS



\*101173848A\*

JAN 17 2006

STEVEN J. HULTQUIST  
INTELLECTUAL PROPERTY/TECHNOLOGY LAW  
P.O. BOX 14329  
RESEARCH TRIANGLE PARK, NC 27709

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/06/1999

REEL/FRAME: 010308/0150  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

POPONIN, VLADIMIR

DOC DATE: 09/20/1999

ASSIGNEE:

VIRTUAL PRO, INC.  
2420 CAMINO RAMON  
SUITE 205  
SAN RAMON, CALIFORNIA 94583

SERIAL NUMBER: 09413596

FILING DATE: 10/06/1999  
ISSUE DATE:

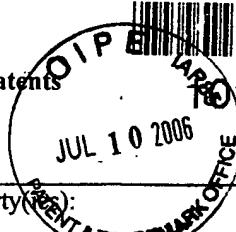
LAWAN FLETCHER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

REC

10-19-1999

Mrd. 10/6/99

Assistant Commissioner for Patents  
Box Assignments  
Washington, D.C. 20231



1173848

Attorney Docket No. 4136-104



1. A. Name of conveying party(ies):  Vladimir Poponin P.O. Box 421972 San Francisco, CA 94142-1972	2. A. Name and address of receiving party(ies):  Virtual Pro, Inc. 2420 Camino Ramon, Suite 205 San Ramon, CA 94583
B. Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	B. Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

3. A. Nature of conveyance:

09413596

Assignment  Merger  Security Agreement  Change of Name

Other: \_\_\_\_\_

B. Execution Date: \_\_\_\_\_

4. A. If this document is being filed together with a new application, the execution date of the application is: 9/28/99.

B. Patent Application No.(s)

\_\_\_\_\_ filed \_\_\_\_\_

C. Patent No.(s)

D. Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Steven J. Hultquist  
Address: Intellectual Property/Technology Law  
P.O. Box 14329  
Research Triangle Park, NC 27709

7. A. Recordation fee (37 CFR 3.41) \$40.00

Enclosed (IPTL Check No. 6338)

Authorized to be charged to deposit account No.

6. Total number of applications and patents involved: 1

8. Credit any overpayment or charge any underpayment to Deposit Account Number 08-3284 of Intellectual Property/Technology Law.

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

William A. Barrett

WILLIAM A. BARRETT  
Registration No. 42,296

Date: October 6, 1999

Total number of pages including cover sheet, attachments, and document: 2

## ASSIGNMENT

I, Vladimir Poponin, have made an invention described in the United States Patent Application entitled;

"A New Method for the Analysis of Nucleic Acids Hybridization on High Density NA Chips"

I, Vladimir Popin, hereby assign to Virtual Pro Inc. 2420 Camino Ramon, San Ramon, CA 94583 all of my ownership and rights in:

- (i) the invention and U.S. Patent Application
- (ii) U.S. Patents on the invention, and
- (iii) corresponding foreign patent applications and patents.

I am making this Assignment consistent with my Agreement with Virtual Pro, Inc. dated September 20, 1999.

I request the Commissioner of Patents and Trademarks of the United States and the appropriate officers of all foreign countries to issue patents on the invention to Virtual Pro, Inc. as owners of the invention and aforementioned patent rights.

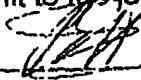
I agree to execute any other legal documents that may be required to effectuate this Assignment.

I agree that I will promptly communicate to Virtual Pro, Inc. all facts which come to my attention affecting the invention or patent rights.

I agree that I will testify in any interference or litigation involving the invention or patent rights.

I declare that I have not done anything in conflict with this Assignment.

I agree that this Assignment and the transactions to which it relates shall be deemed to have been executed in the United States of America in the State of California, and shall be governed by and construed and enforced in accordance with the laws of the United States of America and of the State of California, excluding choice of law rules. Any claims or legal actions relating to this assignment and the transactions to which it relates shall be commenced and maintained in a state or federal court located in the State of California, and by execution and delivery of this assignment, I irrevocably submit to the jurisdiction and venue of any such court.



09/20/99

(Inventor's signature)

Date

Inventor's name: Vladimir  
Poponin

I am personally acquainted with Vladimir Poponin, and I declare that he has executed this Assignment in my presence on \_\_\_\_\_, 1999, and has indicated to me that his execution was completely voluntary.

First witness

Second Witness

Signature: \_\_\_\_\_

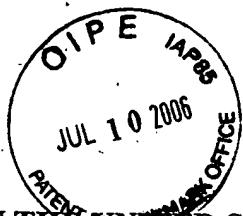
Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Vladimir Poponin	)
App. No.	:	09/876,298	)
Filed	:	June 7, 2001	)
For	:	APPARATUS AND METHOD FOR THE ANALYSIS OF NUCLEIC ACIDS HYBRIDIZATION ON HIGH DENSITY NA CHIPS	)
Examiner	:	Unknown	)

---

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). The Assignment from the inventors was recorded on October 6, 1999 in the Office at Reel/Frame 010308/0150. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone

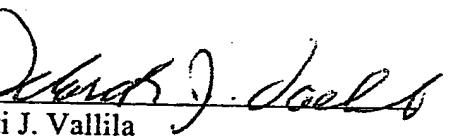
Filed : June 7, 2001

(949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

VIRTUAL PRO, INC.

Dated: Dec 4, 2001

By:   
Martti J. Vallila

Title: President

Address: 2420 Camino Ramon, Suite 205  
San Ramon, CA 94583

W:\DOCS\ASA\ASA-10429.DOC  
103101

I, Vladimir Poponin, have made an invention described in the United States Patent Application entitled;

## "A New Method for the Analysis of Nucleic Acids Hybridization on High Density NA Chips"

I, Vladimir Popin, hereby assign to Virtual Pro Inc. 2420 Camino Ramon, San Ramon, CA 94583 all of my ownership and rights in:

- (i) the invention and U.S. Patent Application
- (ii) U.S. Patents on the invention, and
- (iii) corresponding foreign patent applications and patents.

**COPY**  
**Do Not Record**

I am making this Assignment consistent with my Agreement with Virtual Pro, Inc. dated September 20, 1999.

I request the Commissioner of Patents and Trademarks of the United States and the appropriate officers of all foreign countries to issue patents on the invention to Virtual Pro, Inc. as owners of the invention and aforementioned patent rights.

I agree to execute any other legal documents that may be required to effectuate this Assignment.

I agree that I will promptly communicate to Virtual Pro, Inc. all facts which come to my attention affecting the invention or patent rights.

I agree that I will testify in any interference or litigation involving the invention or patent rights

I declare that I have not done anything in conflict with this Assignment.

I agree that this Assignment and the transactions to which it relates shall be deemed to have been executed in the United States of America in the State of California, and shall be governed by and construed and enforced in accordance with the laws of the United States of America and of the State of California, excluding choice of law rules. Any claims or legal actions relating to this assignment and the transactions to which it relates shall be commenced and maintained in a state or federal court located in the State of California, and by execution and delivery of this assignment, I irrevocably submit to the jurisdiction and venue of any such court.

(Inventor's signature)  
Inventor's name: Vladimir  
Poponin

Date

I am personally acquainted with Vladimir Poponin, and I declare that he has executed this Assignment in my presence on \_\_\_\_\_, 1999, and has indicated to me that his execution was completely voluntary.

**First witness**

## Second Witness

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

**Address:** \_\_\_\_\_

Address: \_\_\_\_\_